Remarks/Arguments:

Claims 1-3, 6, 8, 10 and 12 have been amended. No new matter is introduced herein. Claims 1 - 12 are pending.

Claims 1 - 12 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserts that the claims do not produce concrete results because "the invention requires to programming of the device used by the user after the user has inputted the influence factors for different appraisal approaches." Claim 1 has been amended to recite: a "computer-implemented method for appraising a real estate property," "storing influence factors and a range of influence factor values," performing nonlinear programming "according to the stored influence factors and the stored range of influence factor values" and "providing signals indicative of an optimal range of appraisal values." Claim 12 has been similarly amended. Thus, concrete and tangible results are proved. Basis for the amendment can be found, for example, at p. 11, line 11 - p. 13, line 5 and p. 15, line 1 - p. 16, line 4 (of the substitute specification filed on October 14, 2003); and FIGS. 1a - 1b. Accordingly, Applicant respectfully requests that the rejection of claims 1 - 12 under 35. U.S.C. § 101 be withdrawn.

Claims 1 - 12 have been rejected under 35. U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, it is asserted that the limitation "performing nonlinear programming of predetermined objective function" is not supported by the disclosure originally filed July 1, 2003. Claims 1 and 12 have been amended to clarify that the predetermined objective function is a predetermined nonlinear objective function. Support for the amendment can be found, for example, at p. 8, line 1 - p. 9, line 3 of the specification originally filed July 1, 2003. Applicant also notes that that it is well established that the subject matter of the claims need not be described literally in order for the disclosure to satisfy the description requirement. See MPEP § 2163.02. Accordingly, Applicant respectfully requests that the rejection of claims 1 - 12 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claims 1 - 12 have been rejected under 35 U.S.C. § 112, second paragraph, as being vague and indefinite. In particular, the Examiner asserts that it is not clear "whether programming after the inputting of influence factor is programming of the device, or, data entry of property related information." As discussed above, claim 1 has been amended to recite a

computer-implemented method and that nonlinear programming is performed with a predetermined nonlinear objective function, according to stored influence factors and a stored range of influence factor values. Claim 12 has been similarly amended. Based on the description on p. 11, line 11 - p. 16, line 4 (of the substitute specification filed on October 14, 2003), the skilled person would understand that nonlinear programming is used with 1) a predetermined nonlinear objective function that incorporates each of different types of appraisal approaches, 2) stored influences factors and 3) a stored range of influence factor values. In particular, the skilled person would understand that nonlinear programming is performed using the nonlinear objective function and the stored factors/range of values to determine an optimal range of appraisal values by taking into account each of the different types of appraisal approaches in the nonlinear objective function. Accordingly, Applicant respectfully requests that the rejection of claims 1 - 12 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1 - 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbins (US Pub. No. 2001/0039506) in view of "Modern Real Estate Practice" by Galaty et al. This ground for rejection is respectfully traversed for the reasons set forth below.

Claim 1 includes features neither disclosed nor suggested by the cited art, namely:

> b) performing nonlinear programming with a predetermined nonlinear objective function that uses each of the different types of appraisal approaches according to the stored influence factors and the stored range of influence factor values...
>
> c) providing signals indicative of an optimal range of appraisal values for the real estate property from the performed nonlinear programming according to each of the different types of appraisal approaches...
>
> ...each of the different types of appraisal approaches are a sales comparison approach, an income capitalization approach and a cost approach... (Emphasis Added)

Robbins discloses a real estate appraisal method for estimating the value of real estate property. In paragraph [0080], Robbins discloses that an appraiser generally considers the cost approach, the income approach and the sales comparison approach. However, Robbins discloses that the real estate appraisal method is performed through the sales comparison approach (paragraphs [0076] and [0080]). As shown in FIG. 5, Robbins uses regression analysis in order to determine the sales condition model (paragraphs [0137 - 0138]).

As acknowledged by the Examiner, Robbins does not disclose or suggest that a sales comparison approach and income capitalization approach and a cost approach are each used in a predetermined objective function in order to provide an optimal range of appraisal values for a real estate property, as required by claim 1. In addition, Robbins does not disclose or suggest Applicant's claimed features of "performing nonlinear programming with a predetermined nonlinear objective function that uses each of the different types of appraisal approaches according to the stored influence factors and the stored range of influence factor values" (emphasis added). Robbins is silent regarding the use of nonlinear programming with a nonlinear objective function. Instead, Robbins uses linear regression to determine a sales condition model. Thus, Robbins does not include all of the features of claim 1.

Galaty et al. disclose that appraisers traditionally use the sales comparison approach, the cost approach and the income approach, where the three methods serve as checks against each other (p. 304, last paragraph). On p. 305, first paragraph - p. 312, first paragraph, Galaty et al. disclose linear calculations for separately appraising property by each of the three methods. On p. 312, second - fourth paragraphs, Galaty et al. disclose that, for reconciliation, an appraisal value is separately determined by each of the three methods and then a weighted average is used to generate a "single estimate of market value" (emphasis added).

Galaty et al. do not disclose or suggest Applicant's claimed features of "performing nonlinear programming with a predetermined nonlinear objective function that uses each of the different types of appraisal approaches" or "providing signals indicative of an optimal range of appraisal values for the real estate property from the performed nonlinear programming" (emphasis added). These features are neither disclosed nor suggested by Galaty et al. Instead, Galaty et al. disclose computing three separate appraisal values and applying a weighted average to generate a single appraisal value. Galaty et al. is silent on performing nonlinear programming with a predetermined nonlinear objective function that uses each of the three types of appraisal approaches. Thus, Galaty et al. do not include all of the features of claim 1 and do not make up for the deficiencies of Robbins. Accordingly, allowance of claim 1 is respectfully requested.

Claims 2 - 11 include all of the features of claim 1 from which they depend. Accordingly, claims 2 - 11 are also patentable over the sited art.

With respect to claim 12, p. 7 of the Office Action appears to recite claim 12, but inadvertently excludes the Examiner's reasoning as to why claim 12 is rejected based on Robbins in view of Galaty et al. Applicant respectfully requests clarification of the rejection of claim 12. Although not identical to claim 1, claim 12 includes similar features that are neither disclosed nor suggested by the cited art. Namely, a calculator for performing nonlinear programming with a predetermined nonlinear objective function that uses each of the different types of appraisal approaches and determining an optimal range of appraisal values from the nonlinear programming according to each of the different types of appraisal approaches, where the different types of appraisal approaches are a sales comparison approach, an income capitalization approach and a cost approach. As discussed above, these features are neither disclosed nor suggested by the cited art. Thus, the cited art do not include all of the features of claim 12. Accordingly, allowance of claim 12 is respectfully requested.

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In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatherPrestia

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The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: August 16, 2007

Ashley Burry

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